

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) |                      |
|                           | ) |                      |
| v.                        | ) | Criminal Action No.  |
|                           | ) | 09-00084-01-CR-W-SOW |
| RICHARD OFLYNG,           | ) |                      |
|                           | ) |                      |
| Defendant.                | ) |                      |

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on April 15, 2009. Defendant Richard Oflyng appeared in person and with retained counsel Carl Cornwell. The United States of America appeared by Assistant United States Attorney Cynthia Cordes.

***I. BACKGROUND***

On March 10, 2009, an indictment was returned charging defendant with one count of commercial sex trafficking of a child, in violation of 18 U.S.C. §§ 1591 and 1594(a), one count of inducement of a child to engage in prostitution, in violation of 18 U.S.C. § 2422(b), and one count of criminal forfeiture pursuant to 18 U.S.C. §§ 1594(b) and 2253.

The following matters were discussed and action taken during the pretrial conference:

## ***II. TRIAL COUNSEL***

Ms. Cordes announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Jason Young, Independence, Missouri, Police Department.

Mr. Cornwell announced that he will be the trial counsel for defendant Richard Oflyng.

## ***III. OUTSTANDING MOTIONS***

There are no pending motions in this case.

## ***IV. TRIAL WITNESSES***

Ms. Cordes announced that the government intends to call 6 witnesses with or without stipulations during the trial.

Mr. Cornwell announced that defendant Richard Oflyng intends to call 5 witnesses during the trial. The defendant may testify.

## ***V. TRIAL EXHIBITS***

Ms. Cordes announced that the government will offer approximately 40 exhibits in evidence during the trial.

Mr. Cornwell announced that defendant Richard Oflyng will offer no exhibits in evidence during the trial.

## ***VI. DEFENSES***

Mr. Cornwell announced that defendant Richard Oflyng will rely on the defense of general denial.

## ***VII. POSSIBLE DISPOSITION***

Mr. Cornwell stated this case may be for trial.

### ***VIII. STIPULATIONS***

Stipulations are likely as to interstate commerce.

### ***IX. TRIAL TIME***

Counsel were in agreement that this case will take 2 to 3 days to try.

### ***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed April 1, 2009, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by April 15, 2009;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, April 22, 2009;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, April 22, 2009. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

### ***XI. UNUSUAL QUESTIONS OF LAW***

No motions in limine are anticipated. There are no unusual questions of law.

### ***XII. TRIAL SETTING***

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on April 27, 2009. **The**

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by Friday, April 24, 2009. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. **The instructions shall be listed in the order they are to be given.**

**parties request the second week of the trial docket, May 4, 2009, due to trial conflicts.**

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
April 15, 2009

cc: Mr. Kevin Lyon